

Criminal Justice Coordinating Council presentation of:

HB 2170

Provisions and Impact

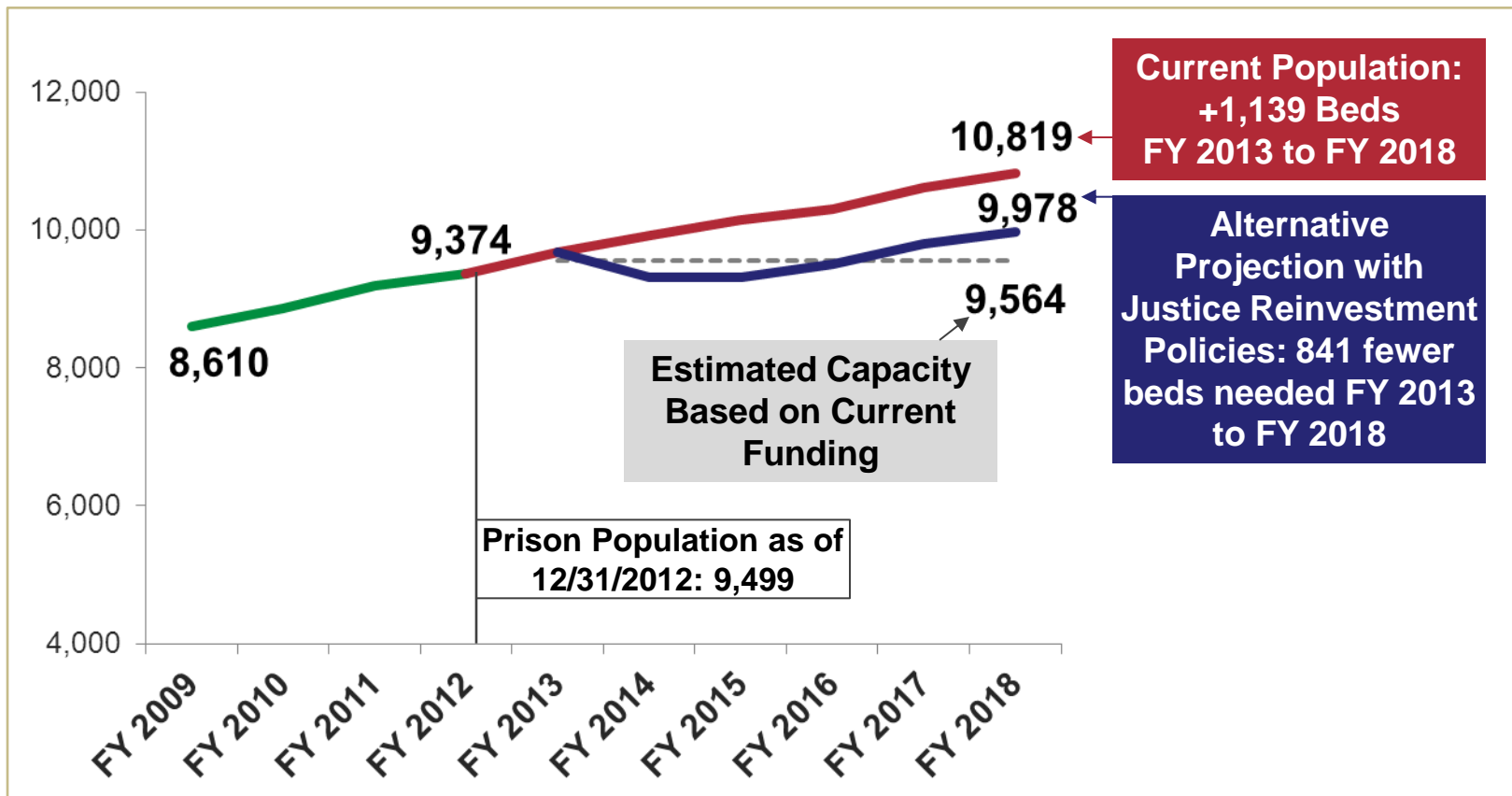
Presenter Ray Roberts SOC



April 25, 2013

Anticipated JRI Bed Impact

Will Reduce Growth in Prison Bed Demand by More than 800 Beds



JRI Fiscal Impact

- By slowing growth in the state prison population between FY 2014 and FY 2018, this package of policies and added programs **averts over \$53 million** in additional spending that would otherwise be needed to accommodate prison population growth.

HB 2170 (Fiscal Note)

Re-invested Funding needed to initiate and Sustain HB2170

| | |
|--|-----------------------|
| Behavioral Health Intervention costs for FY 20016 thru FY 18 | (\$3,000,000) |
| KDOC Sentence Computation Unit | (\$95,921) |
| KDOC Reception & Diagnostic Unit | (\$300,000) |
| IT Programming | (\$139,074) |
| Victim Notification | (\$56,920) |
| Prisoner Review Board Member | (\$79,838) |
| Increased Transportation Costs for an Increasing Number of Probation Violators Released from Prison | (\$292,500) |
| Training Costs for Judges, Prosecutors, Corrections Staff | (\$150,000) |
| Reduce Caseloads for Community Corrections and Parole | (\$3,500,000) |
| Total Costs | (\$10,614,253) |

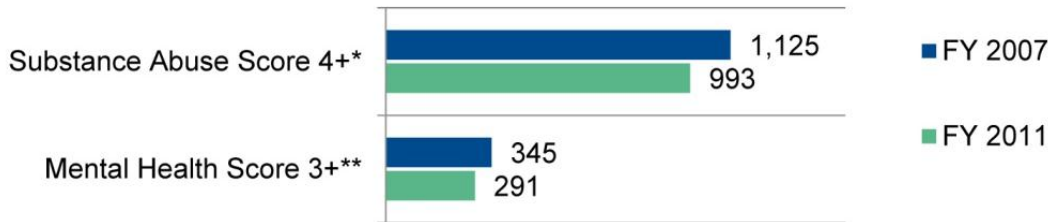
Policy Recommendation 1

Increase access to community-based programming for people sentenced to felony probation supervision who are at a higher risk of re-offending.

Rationale: Most probation failures involve higher-risk offenders who could not access quality treatment programs in the community.

Community Corrections

FY 2011 Probation Revocations Indicating BH Needs



Substance Abuse Score 4+

At least 4 of 9 questions within the LSI-R risk assessment's substance abuse domain were answered in the affirmative.

Mental Health Score 3+

MH scores range from 1 to 7 and are based on a continuum of MH programming intensity

JRI Probation Findings

Most probationers revoked to prison have behavioral (BH) needs

FY 2011 KDOC Probation Revocations

| | |
|-----|-------------------------|
| 58% | SA Score of 4 or higher |
| 17% | MH Score of 3 or higher |
| 12% | Both Scores |

Community Corrections Revocations

- Only 16% of successfully terminated Community Corrections probationers had an SA Score of 4 or higher.

Successful Probationers

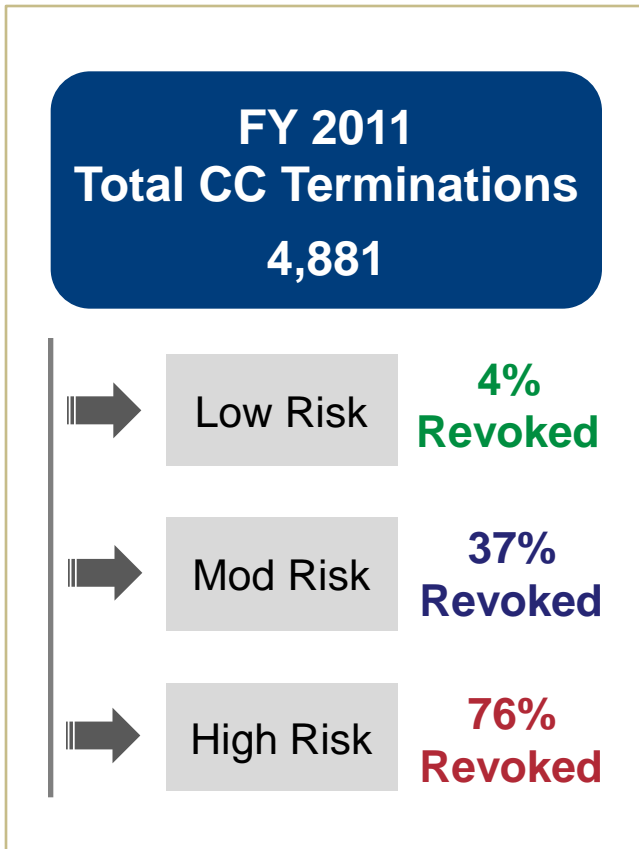
Twice as likely to receive programming as those revoked

Of successful mod/high risk terminations

› **57% completed two or more behavioral health programming interventions.**

Of mod/high risk revocations

› **Only 31% completed two or more behavioral health programming interventions.**



Policy Recommendation 2

Enable community corrections officers to apply swift and certain responses to people under felony supervision who commit minor violations.

Rationale: Delayed and inconsistent responses to violations fail to change behavior.

Swift & Certain (Jail) Sanctions

2-3 day stints in jail. No more than 6 days per month and in 3 separate months. Limited to 18 days during the supervision period. Return to supervision by court services or community corrections.

- › May be imposed by court services or community corrections officers without involvement of the court if the court has not withheld delegation of this authority to the supervising agency and the probationer has not demanded a hearing
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HB 2170 does not amend the provision of K.S.A. 21-6607 which allows a court to impose confinement in jail for up to 60 days as a condition of probation.

Policy Recommendation 3

Establish a shorter violation response sanction for technical violations to replace the existing costly & ineffective community corrections revocation process.

Rationale: Despite being returned to prison for similar violations, probation violators are sanctioned for almost four times as long (~11 mos.) as post-release supervision violators.

Graduated Sanctions

120 days in correctional facility subject to reduction of up to 60 days by the SOC.

- › At completion, probationer is returned to community corrections supervision unless new post-release supervision provisions apply.
- › **120-day sanction may not be repeated.**
- › Jail sanction a prerequisite unless new crime, absconding or public safety threatened.

Graduated Sanctions

180 days in correctional facility subject to reduction of up to 90 days by the SOC.

- At completion, probationer returned to community corrections supervision unless new post-release supervision provisions apply.
- **180-day sanction may not be repeated.**
- Jail sanction a prerequisite unless new crime, absconding or public safety threatened.
- 120-day sanction not a prerequisite for imposition of 180-day sanction but court may impose 180-day sanction even if previously having imposed a 120-day sanction.

Graduated Sanctions

- Requires that a graduated sanction of either 120 days or 180 days have been previously imposed prior to imposing the prison sentence unless new crime, absconding or public safety threatened.

Policy Recommendation 4

Allow community corrections officers to prioritize higher-risk cases and reduce the length of supervision time for successful, lower-risk offenders.

Rationale: Probation officers spend as much time supervision low-risk as high risk probationers.

Post-release Supervision Offenders

Low-risk Post-release Supervision Offenders Spend as Long on Supervision as High-Risk Offenders

Months on Probation for Post-Release Supervision Terminations

Low Risk
31 Months

Moderate Risk
22 Months

High Risk
17 Months

Other states have found ways to better target resources towards higher risk parolees, often through the use of incentive-based earned discharge options for low-risk parolees.

Discharge from Probation

Presumption of discharge from probation after 1 year for low risk, compliant probationers who have paid restitution unless court finds substantial and compelling reasons for denial of a discharge.

Policy Recommendation 5

Establish a shorter violation response sanction for technical violations

Rationale: Successful, lower-risk offenders spend longer on post-release supervision than higher-risk offenders, but longer periods of supervision do not increase success for lower-risk offenders.

Post-release Supervision Impact

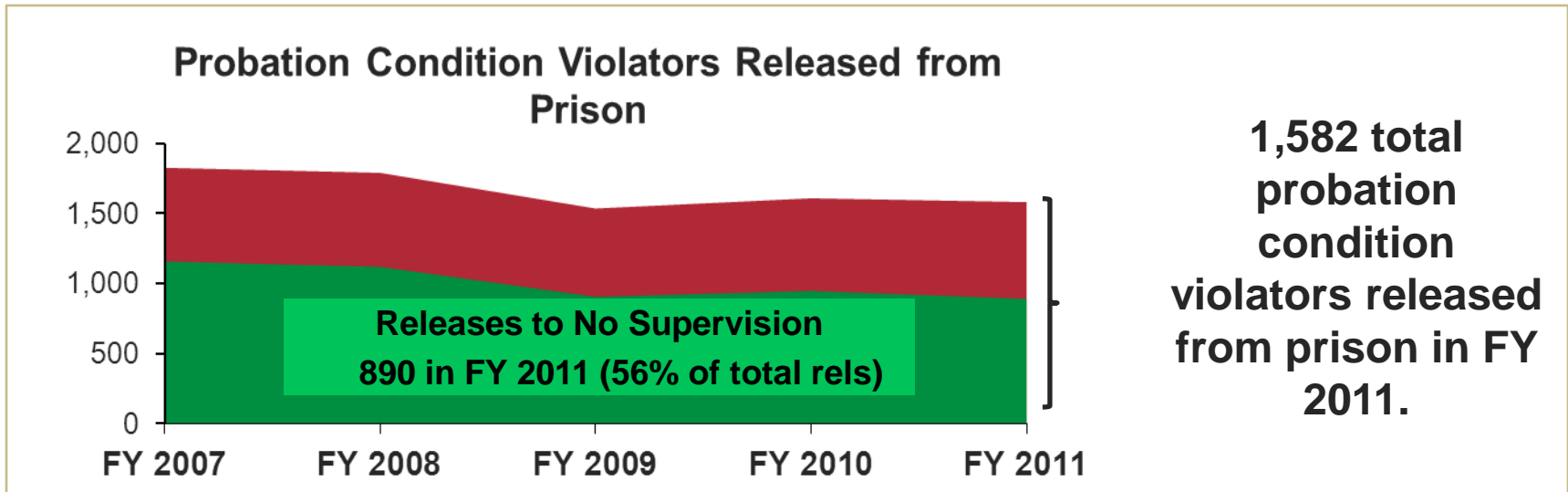
- Except for sex offenders, good time and program credits earned in prison not added to the post-release supervision obligation. **Retroactive adjustment** of post-release supervision.
 - **Authority of Prisoner Review Board** (PRB) to discharge non sex offenders from post-release supervision if restitution paid.
 - Whenever the post-release supervision is violated due to the commission of a new felony, the **PRB may impose up to the balance of any remaining post-release supervision obligation** for the original crime as a penalty.
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Policy Recommendation 6

Require that people who are re-incarcerated for a probation revocation and subsequently released to the community be assigned to post-release supervision.

Rationale: Supervision following prison is critical to removing the current loophole that allows probationers to “get off supervision” by being revoked for technical reasons.

Probation Condition Violators



More than half of probation condition violators released from prison have no Post-release Supervision (PRS)

In stark contrast to PRS, where there are capped revocation responses ensuring programming and return to supervision, **most probation condition violators:**

- › Exhaust sentence in prison,
- › Receive little or no programming and
- › Are returned to the community without any further supervision.

Post-release Supervision

- Post-release supervision for all probation violators whose probation is revoked and remanded to serve the prison sentence.
- Post-release supervision for probation violators serving a 120- or 180-day sanction whose underlying prison sentence would have expired during the 120- or 180-day sanction period.

Post-release supervision obligation
imposed for all probation violators
whose crime is committed on or
after July 1, 2013.
